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Inc.

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**

11
12 TARANTINOS, INC., and MACMARIN,
13 INC.,

14 Plaintiffs,

15 vs.

16 CONSECO LIFE INSURANCE COMPANY,
JOHN S. LEIPSIC, INC.; and DOES ONE
17 through TEN,

18 Defendants.

CASE NO. CV 09 1974 SBA

**STIPULATION AND ORDER
EXTENDING DEADLINE TO FINALIZE
SETTLEMENT**

19
20 Trial Date: None set

21 WHEREAS this matter, which seeks reinstatement of life insurance policies, has been
settled in principle,

22 WHEREAS the parties so informed the Court and on September 17, 2009, this Court
23 issued an order dismissing the case with prejudice, but providing that "In the event that the
24 settlement is not reached, any party may move to reopen the case and the trial will be rescheduled,
25 provided that such motion is filed within 45 days of this order", (Docket No. 35, the "Order")

26 WHEREAS the forty-five days provided in the Order during which a motion to reopen the
27 case may be filed will expire on November 1, 2009,

1 WHEREAS the parties remain agreed in principle, but the parties are still evaluating issues
2 concerning the payment of premiums that must be determined before a formal settlement
3 agreement can be signed, and

4 WHEREAS, the parties believe that they will require an additional thirty (30) days to reach
5 a final, formal settlement,

6 THEREFORE the parties stipulate and request the Court to issue an order extending the
7 forty-five (45) day period to request reinstatement in compliance with the Order an additional
8 thirty (30) days until December 1, 2009.

9 DATED: October __, 2009

BRADLEY ARANT BOULT CUMMINGS LLP

10 By: /s/ Jason A. Waters

11 Jason A. Walters

Attorneys for Conseco Insurance Company.

12 DATED: October __, 2009

COOPER, WHITE & COOPER LLP

14 By: /s/ Stephen Kaus

15 Stephen Kaus

16 Attorneys for Tarantinos, Inc. and MacMarin,
Inc.

17 So ordered,

18
19
20 DATED: October_26, 2009


21 SAUNDRA BROWN ARMSTRONG
United States District Judge